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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,785	09/17/2003	Sung Uk Moon	242939US90	2973

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WENDELL, ANDREW

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,785

Applicant(s)

MOON ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 4 and 5 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4 and 5 of U.S. Patent Application No. 2004/0058666 in view of Gosselin (WO 01/65885).

Regarding claim 4, US Pat Appl# 2004/0058666 teaches the radio network controller according to claim 3, wherein the radio network controller performs a predetermined processing on a predetermined number of response signals, the predetermined number of response signals responding to the control signal for the multicast group and being transmitted from mobile stations joining in the multicast group; and the radio network controller performs processing on only the predetermined number of response signals, and any following response signal is unprocessed by the radio network controller (Claim 4). US Pat Appl# 2004/0058666 fails to teach the mobile stations joining in the multicast group.

Gosselin's reducing signaling traffic with multicasting in a wireless communication network teaches the following response signals being transmitted from the mobile stations (Page 4 line 30-Page 5 line 15) joining in the multicast group "Multicast Group 1-3" (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate mobile

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stations joining in the multicast group as taught by Gosselin into US Pat Appl# 2004/0058666 radio network controller in order to reduce signaling traffic (Page 3 lines 23-26).

Regarding claim 5, US Pat Appl# 2004/0058666 teaches wherein the predetermined number is one (Claim 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (WO 01/65885) in view of Beckmann et al. (US Pat Appl# 2003/0022683) and further in view of Shimanuki (JP 10290190 A).

Regarding claim 1, Gosselin's reducing signaling traffic with multicasting in a wireless communication network teaches a radio communication system having a radio network controller, base stations and mobile stations (Fig. 1), to perform multicast communication, wherein the radio network controller comprises a control signal transmitter configured to divide a multicast group into subgroups "Multicast Group 1-3" (Fig. 1), to divide a control signal for the multicast group into control signals for the subgroups, and to transmit the control signals for the subgroups to the base station(

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Page 3 line 30-Page 4 line 29); and the mobile station comprises a response signal creator configured to create a response signal to the signal for at least one subgroup (Page 4 line 30- Page 5 line 15); and a response signal transmitter configured to transmit the response signal to the base station with the transmission timing (Page 4 line 30-Page 5 line 15). Gosselin fails to teach the mobile station receiving a control signal and the mobile station having a transmission timing detector.

Beckmann et al. transmitting multicast messages in a radio system teaches a radio communication system having a radio network controller RNC (Fig. 1), base stations BS (Fig. 1) and mobile stations UE (Fig. 1), to perform multicast communication, wherein the radio network controller comprises a control signal transmitter configured to select a multicast group, to divide a control signal for the multicast group into control signals, and to transmit the control signals for the groups to the base station (Sections 0007-0013); and the mobile station comprises a control signal received for at least one subgroup (Sections 0007-0013 and Sections 0049-0054).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate the mobile station receiving a control signal as taught by Beckmann et al. into Gosselin's reducing signaling traffic with multicasting in a wireless communication network in order to transmit messages with little expenditure and reduce load (Section 0004).

Gosselin and Beckmann et al. fail to teach the mobile station having a transmission timing detector.

Shimanuki's transmission and reception apparatus for portable telephone system teaches a transmission timing detector configured to detect a transmission timing of the response signal from the signal and a response signal transmitter configured to transmit the response signal to the base station with the transmission timing (Basic Abstract).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate the mobile station having a transmission timing detector as taught by Shimanuki into the mobile station receiving a control signal as taught by Beckmann et al. into Gosselin's reducing signaling traffic with multicasting in a wireless communication network in order to reduce costs (Sections 0005 and 0006).

Regarding claim 2, claim 2 is rejected for the same reason as claim 1 since the recited elements would perform the claimed steps.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (WO 01/65885) in view of Beckmann et al. (US Pat Appl# 2003/0022683).

Regarding claim 3, Gosselin's reducing signaling traffic with multicasting in a wireless communication network teaches a radio network controller supporting multicast communication, the radio network controller comprising a control signal transmitter configured to divide a multicast group into subgroups "Multicast Group 1-3 (Fig. 1), to divide a control signal for the multicast group into control signals for the subgroups, and to transmit the control signals for the subgroups to a base station (Page 4 line 30- Page 5 line 15). Gosselin fails to clearly define control signals being sent even though it would be obvious.

Beckmann et al. transmitting multicast messages in a radio system teaches a radio network controller supporting multicast communication, the radio network controller comprising a control signal transmitter configured to select a multicast groups, to divide a control signal for the multicast group into control signals for the groups, and to transmit the control signals for the groups to a base station (Sections 0007-0013 and Sections 0049-0054).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate control signals as taught by Beckmann et al. into Gosselin's reducing signaling traffic with multicasting in a wireless communication network in order to transmit messages with little expenditure and reduce load (Section 0004).

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (WO 01/65885) in view of Beckmann et al. (US Pat Appl# 2003/0022683) and further in view of Jellema et al. (US Pat# 6,707,900).

Regarding claim 4, Gosselin's reducing signaling traffic with multicasting in a wireless communication network in view of Beckmann et al. transmitting multicast messages in a radio system teaches the limitations in claim 3. Gosselin and Beckmann et al. fail to teach processing on only predetermined response signals.

Jellema et al. dynamic load limiting teaches wherein the radio network controller performs a predetermined processing on a predetermined number of response signals, the predetermined number of response signals responding to the signal for the group and being transmitted from mobile stations joining in the group; and the radio network

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controller performs processing on only the predetermined number of response signals, and any following response signal is unprocessed by the radio network controller, the following response signals being transmitted from the mobile stations joining in the group (Fig. 2 and Col. 2 lines 60-67).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a predetermined number of response signals as taught by Jellema et al. into control signals as taught by Beckmann et al. into Gosselin's reducing signaling traffic with multicasting in a wireless communication network in order to avoid overloaded conditions and have a more efficient system (Col. 1 lines 22-30).

Regarding claim 5, Jellema et al. further teaches wherein the predetermined number is one 26 (Fig. 2, the value could be set to one or any number).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell
Examiner
Art Unit 2618

6/29/06



NAY MAUNG
SUPERVISORY PATENT EXAMINER